

Application No. 10/036,666
Amendment in response to May 7, 2004, Action

Attorney's Docket No. 0119-064

REMARKS

Claims 13-24 are pending. The specification and the independent claims 13, 20, 21, 22, and 24 have been amended.

On page 2, the current Office Action objects to the specification because it lacks a reference to a priority claim. The specification has been amended in a way that obviates the objection. It can be noted that this Amendment has inserted substantially the same language that the Utility Patent Application Transmittal Letter filed with this application asked to be included by preliminary amendment.

The claims stand rejected under 35 U.S.C. § 103(a) for obviousness over a combination of U.S. Patents No. 6,542,436 to Myllyla ("Myllyla") and No. 5,872,743 to Maxwell ("Maxwell"), either by themselves or with U.S. Patent No. 6,547,620 to Hatamura et al. ("Hatamura"). Applicant has amended the independent claims to clarify a feature that is neither disclosed nor suggested by the cited patents. Accordingly, these rejections should be reconsidered and withdrawn at least because no combination of the cited patents discloses all of the features recited in the claims and thus the cited documents fail to support a *prime facie* case of obviousness against the amended claims.

Among other things, Applicant's claim 13 as amended, for example, recites as follows:

"correlating means for correlating a control signal received directly by the microphone and a control signal reflected from a user of the telephone and then received by the microphone for determining a distance between the telephone and the user based on a known direct distance between the microphone and the loudspeaker, wherein a difference between a time of receipt of the directly received control signal and a time of receipt of the reflected control signal corresponds to the determined distance between the telephone and the user".

As so defined, the invention uses the distance and the time for a signal to be transmitted between the speaker and the microphone to compare with the transmission time of a signal that is reflected by a user before it reaches the microphone. The difference in time corresponds to the distance between the phone and the user, and the

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parameters of the output signal from speaker are adapted accordingly. This operation is described at page 7, line 19, to page 8, line 13, of the specification, among other places.

None of the cited documents teaches or suggests such operation. Myllyla uses the difference in amplitude between the emitted signal and the reflected signal to determine the distance. Maxwell, at col. 4, ll. 26-48, describes starting a timer when an original signal is received at the microphone and stopping the timer when the reflected signal is received. Nevertheless, Maxwell says nothing about also using the transmission time for the direct signal sent from the speaker to the microphone, as recited by Applicant's amended claims. Hatamura says nothing at all about this manner of operation.

Since at least one feature recited in Applicant's amended claims is neither disclosed nor suggested by the cited patents, it is believed the claims are patentable over the cited documents. It is further believed that this application is in condition for allowance. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below. The Examiner may note that a Change of Correspondence Address is filed on the same day as this Amendment.

Respectfully submitted,



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Filed October 7, 2004

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